IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Hukmi Chand. Versus Smt. Sushila & Anr.

S.B. Criminal Revision Petition No.304/2006

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Date of Order: July 24, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Mahendra Trivedi, for the petitioner.
Mr. Sandeep Mehta, for the respondents.

BY THE COURT:

By the instant criminal revision under Section 397 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order datd 2-8-2005 passed by the Judicial Magistrate, Sojat (for short, "the trial Court" hereinafter), whereby the trial Court granted monthly allowance of maintenance @ Rs.1500/- in favour of respondent No.2 Kumari Dolly, the daughter of the present petitioner.

Heard learned counsel for the parties.

It is contended by the learned counsel for the petitioner that the petitioner paid a sum of Rs.50,000/- as one-time maintenance to respondent No.1 Smt. Sushila, who claims

herself to be the wife of the petitioner and, therefore, Rs.50,000/- paid by the petitioner is one-time maintenance for the respondents No.1 Smt. Sushila and respondent No.2 Kumari Dolly.

Learned counsel for the respondents submits that the amount allegedly paid by the petitioner to the respondent No.1 Smt. Sushila is for the purpose of putting an end to the matrimonial tie and not for the maintenance and that too, the said amount can be said to have been paid to the respondent No.1 Smt. Sushila for her maintenance, but it is not inclusive of the maintenance awardable to the respondent No.2 Kumari Dolly, the minor daughter of the petitioner.

``From a perusal of the impugned order, it appears that the trial Court has considered this aspect elaborately and declined to grant maintenance in favour of the respondent No.1 Smt. Sushila; however held that the amount allegedly paid by the petitioner to the respondent No.1 Smt. Sushila does not the monthly allowance of maintenance awardable to the respondent No.2 Kumari Dolly.

The petitioner has not disputed that the respondent No.2 Kumari Dolly is his daughter born out of the wed-lock of the petitioner with respondent No.1 Smt. Sushila. Therefore, in my view, granting monthly allowance of maintenance in favour of minor daughter respondent No.2 Kumari Dolly cannot be said to

be erroneous. Therefore, the impugned order does not require any interference in the revisional jurisdiction.

The revision petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs